

FILED

AUG 18 2017

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

April Reid  
15 Baker Lane  
Goleta, CA. 93117  
(805) 968-5496

August 14, 2017

Clerk of the United States District Court for the Northern  
District of Illinois  
Everett McKinley Dirksen United States Courthouse  
219 S. Dearborn Street  
Chicago, IL. 60604

Re: Birchmeier et al., v. Carribean Cruise Line Inc.

Case No.  
12-cv-04069

**OBJECTION TO THE SETTLEMENT OF THE CLASS ACTION, THE AMOUNT OF ATTORNEYS' FEES AND THE AMOUNT OF THE SETTLEMENT ADMINISTRATOR'S FEES AND REQUEST TO BE INCLUDED IN THE CLASS ACTION AS A PLAINTIFF DUE TO THE SETTLEMENT ADMINISTRATOR'S NEGLIGENT OR INTENTIONAL FAILURE TO PROVIDE ME NOTICE OF THE CLASS ACTION EVEN THOUGH MY TELEPHONE NUMBER WAS VERIFIED AS A NUMBER THAT DEFENDANTS CALLED AND MY ADDRESS WAS EASILY DISCOVERED THROUGH A SIMPLE GOOGLE SEARCH.**

Dear Clerk of the United States District Court for the Northern District of Illinois:

Please be advised that I am objecting to the settlement of the Birchmeier class action for the reasons stated above. I realize that the objections are past the deadline. However, unfortunately, I was only just provided notice of the class action through an internet advertisement on August 9, 2017.

When I first discovered the internet advertisement, I immediately checked my telephone number and discovered that it was verified as part of the class of telephone numbers the defendants called. A few minutes later, I immediately e-mailed the Settlement Administrator at approximately 1:20 a.m. to ask if I could become part of the class. I did not hear from the Settlement Administrator all day. Therefore, at approximately 5:54 p.m. on the same day, I e-mailed a completed Claim Form with an explanation that I only just received notice of the Class Action. On August 11, 2017, at 10:27 a.m., the Settlement

Administrator responded, "[T]he claim filing deadline was on February 1 and has now passed. Therefore, we are no longer accepting claim forms." (I am attaching a copy of the completed claim form, the verification that my telephone number was verified as part of the class, my two e-mails to the Settlement Administrator and the Settlement Administrator's e-mail to me rejecting my claim form for your convenience.)

Pursuant to the notice requirements for the class action, the plaintiffs' attorneys claimed in court filings that, "[F]or those numbers determined to be landlines, the Settlement Administrator performed a "reverse look-up" to determine any mailing address(es) associated with those numbers." However, a quick google search of my telephone number easily brings up my address in bold letters and numbers. Clearly, either the Settlement Administrator did not bother to even look up my telephone number or the person did not mail me notice after easily discovering my address on the internet, contrary to the assertions plaintiffs' attorneys made in their court filings. Either way, I was deprived of an opportunity to become part of the class action. (It should be pointed out that the Settlement Administrator has not denied my assertion that they did not provide me notice even though my telephone number was verified as a number that was called by the defendants.)

I should also note the I did not receive timely notice from the other forms of notice possibly provided by the Settlement Administrator. For example, I did not receive notice from any of the eight big city newspapers listed in the court filings because my local paper is the Santa Barbara News Press in Santa Barbara, CA., which is not a city listed as being one of the eight cities to receive notice by newspaper. Further, I do not receive People magazine. Finally, I only received internet notice of the class action on August 9, 2017, just a few minutes before I e-mailed the Settlement Administrator to see if I could join the class. Certainly, if I had been notified of the class action in a timely manner, I would have filed a timely Claim Form.

As a result of the negligence of the Settlement Administrator in failing to send me notice and the plaintiffs' attorneys who claimed the Settlement Administrator provided notice to the class after getting addresses that coincide with the telephone numbers, which appears not to actually be the case, I have been deprived of the opportunity to become a member of the class. I

have also missed the deadline to opt out of the lawsuit so I could file my own lawsuit, though if I had a choice, I would have stayed in the class action. At this point, I have no means of seeking recovery from the defendants.

Please be advised that I am requesting the following:

1. The court order that I be allowed to join the class action since it appears the settlement funds have not been disbursed yet.
2. The Settlement Administrator fees and Plaintiffs' attorney's fees be reevaluated and significantly reduced based on the fact that they appear to be requesting multi-millions of dollars for work they claim they did, but may not have done. Please feel free to contact me if you have any questions or concerns.

Very truly yours,

  
April Reid

Cc by e-mail: Caribbean Cruise Line Class Action Administrator  
Eve-Lynn J. Rapp of Edelson PC  
Scott R. Rauscher of Loevy & Loevy  
Brian P. O'Meara of Forde Law Offices LLP  
Richard W. Epstein of Greenspoon Marder P.A.

Encl.



**FREE CRUISE CALL SETTLEMENT CLAIM FORM**

**Instructions:** Fill out the top section of this form, choose Option One or Option Two based on the number of calls you received, and sign where indicated. ~~Because your telephone number is not included in Defendants' records, you are required to submit proof you received calls covered by the Settlement along with this claim form.~~ Accepted proof may include a telephone bill showing that you received the call, a recording of the call, a caller ID record of the call, or a screenshot of the call.

<u>First Name</u> April	<u>Last Name</u> Reid	
<u>Street Address</u> 15 Baker Lane		
<u>City</u> Goleta	<u>State</u> CA	<u>ZIP Code</u> 93117
<u>Telephone Number(s) at Which Calls Were Received</u> (805) 968-5496		
<u>Current Telephone Number (If different)</u> Same	<u>Email Address</u> aprilreid@live.com	

**YOU MUST PROVIDE ALL OF THE INFORMATION ABOVE, PICK ONE OPTION, SUBMIT THE REQUIRED PROOF, AND SIGN THIS CLAIM FORM.**

**YOUR CLAIM FORM MUST BE POSTMARKED OR SUBMITTED ONLINE BY [CLAIMS DEADLINE], 2016.**

☐ **Option One (three (3) calls or fewer):** I affirm that I received three (3) or fewer calls on the telephone number listed above between August 2011 and August 2012 that used a prerecorded or robotic voice offering a free cruise in exchange for taking a public opinion and/or political survey. I have included the required proof that I received these calls.

**OR**

☒ **Option Two (more than three (3) calls):** I affirm that I received ~5 (insert number) <sup>(To the best of my recollection)</sup> of calls on the telephone number listed above between August 2011 and August 2012 that used a prerecorded or robotic voice offering a free cruise in exchange for taking a public opinion and/or political survey. I have included the required proof that I received these calls.

By submitting this Claim Form, selecting Option One or Option Two, and providing the accompanying proof, I declare, under penalty of perjury under the laws of the State in which this Affirmation is executed and the United States of America, that I believe I am a member of the Settlement Class, that the information provided above is true to the best of my knowledge, and the proof attached is true and accurate.

Signature: April Elizabeth Reid Date (MM-DD-YY): 8-9-17

★ I just heard about this lawsuit a few hours ago. I never received notice. I saw an advertisement on the internet. I am including proof my number was in your records.

## Results

You may print this page for your records or to refer to it while filling out your [claim](#).

Phone Number: **(805) 968-5496**

Result: **✓ Verified**

[File a Claim »](#)



[www.kccllc.com](http://www.kccllc.com)

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## RE: Class Action for Cruise telephone calls

N

#NA KCC NOVR Free Cruise Call Class Action  
<admin@FreeCruiseCallClassAction.net>

Hello,

Thank you for your email.

The claim filing deadline was on February 1 and has now passed. Therefore, we are no longer accepting claim forms.

Best,

Birchmeier et al. v. Caribbean Cruise Line, Inc Settlement  
Administrator

**From:** april reid [mailto:aprilreid@live.com]  
**Sent:** Wednesday, August 09, 2017 1:20 AM  
**To:** #NA KCC NOVR Free Cruise Call Class Action  
**Cc:** april reid  
**Subject:** Class Action for Cruise telephone calls

I just learned about this lawsuit a few minutes ago by reading about it on-line. I never received any notice regarding it. My telephone number came up as verified in the place where you are supposed to test telephone numbers. (805) 968-5496. My deceased mother had the telephone number until her death on February 2, 2012 and then I moved in and took over the telephone number on that day. Is there any way to join the lawsuit since I was never given proper notice of the lawsuit?

Thank you.

April Reid



## Class Action for Cruise telephone calls

**AR**

april reid

Reply

Wed 8/9/2017 5:54 PM

To:

admin@FreeCruiseCallClassAction.  
net

Dear Administrator:

I am following up on my e-mail of earlier today. Attached is a copy of the completed claim form, as well as the results of your telephone number test indicating my number was verified as part of the claim. As previously stated, I never received notice of the claim until I saw an advertisement on the internet a few hours ago, even though my address is easily discovered simply by googling my telephone number. My mother, Carole Cordero, had this number from 1966 to her death on February 2, 2012. At that time, I moved into my mother's house and took over the telephone number, from February 2, 2012 to current.

Thank you,

April Reid